

Bill No. SB 516

Barcode 982210    Comm: RCS    04/04/2006 07:56 PM

Proposed Committee Substitute by the Committee on Governmental Oversight and Productivity

1                            A bill to be entitled  
2            An act relating to a review under the Open  
3            Government Sunset Review Act regarding  
4            supplemental rebate agreements; amending s.  
5            409.91196, F.S., which provides an exemption  
6            from public-records requirements for the rebate  
7            amount, percent of rebate, manufacturer's  
8            pricing, and supplemental rebate held by the  
9            Agency for Health Care Administration relative  
10           to a preferred drug list established by the  
11           agency and an exemption from public-meetings  
12           requirements for that portion of a meeting of  
13           the Medicaid Pharmaceutical and Therapeutics  
14           Committee at which such rebate amounts, percent  
15           of rebates, manufacturer's pricing, and  
16           supplemental rebates are discussed; making  
17           editorial changes; removing superfluous  
18           provisions; requiring that a record of an  
19           exempt portion of a meeting be made and  
20           maintained; removing the scheduled repeal of  
21           the exemption; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25            Section 1.    Section 409.91196, Florida Statutes, is  
26 amended to read:

27            409.91196    Supplemental rebate agreements; public  
28 ~~confidentiality of records and public meetings exemption.--~~

29            (1)    ~~The Trade secrets~~, rebate amount, percent of  
30 rebate, manufacturer's pricing, and supplemental rebate, and  
31 other trade secrets as defined in s. 688.002 that are

1 specifically identified by the agency for use in the  
 2 negotiations, held by ~~rebates which are contained in records~~  
 3 ~~of the Agency for Health Care Administration under s.~~  
 4 ~~409.912(39)(a)7. and its agents with respect to supplemental~~  
 5 ~~rebate negotiations and which are prepared pursuant to a~~  
 6 ~~supplemental rebate agreement under s. 409.912(40)(a)7. are~~  
 7 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 8 of the State Constitution.

9 (2) That portion of a meeting ~~Those portions of~~  
 10 ~~meetings~~ of the Medicaid Pharmaceutical and Therapeutics  
 11 Committee at which the ~~trade secrets,~~ rebate amount, percent  
 12 of rebate, manufacturer's pricing, and supplemental rebate,  
 13 and other trade secrets as defined in s. 688.002 that are  
 14 specifically identified by the agency for use in negotiations,  
 15 rebates are discussed is ~~disclosed for discussion or~~  
 16 ~~negotiation of a supplemental rebate agreement under s.~~  
 17 ~~409.912(40)(a)7. are~~ exempt from s. 286.011 and s. 24(b), Art.  
 18 I of the State Constitution. A record shall be made of each  
 19 exempt portion of a meeting. Such record must include the  
 20 times of commencement and termination, all discussions and  
 21 proceedings, the names of all persons present at any time, and  
 22 the names of all persons speaking. No exempt portion of a  
 23 meeting may be held off the record.

24 ~~(3) Subsections (1) and (2) are subject to the Open~~  
 25 ~~Government Sunset Review Act of 1995 in accordance with s.~~  
 26 ~~119.15, and shall stand repealed on October 2, 2006, unless~~  
 27 ~~reviewed and saved from repeal through reenactment by the~~  
 28 ~~Legislature.~~

29 Section 2. This act shall take effect October 1, 2006.